

REMARKS

Upon entry of the instant amendment, claims 1-8 will remain pending in the present application. Claims 1-5 are withdrawn from further consideration.

In the instant amendment, claim 6 has been amended based on the disclosures at page 2, lines 13-18 and page 4, lines 11-33 of the specification. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Further, the instant amendment does not raise substantial new issues for the Examiner's consideration nor require further search on the Examiner's part. At the same time, the instant amendments place the pending claims in condition for allowance and into a more proper format for issuance in a United States patent, by overcoming all outstanding rejections and objections of record.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Objection to the Specification

The specification is objected to because of the term "laser head" as recited in the claims. Applicants respectfully traverse this objection.

In this reply, the specification is amended so that the term "laser beam 10" is read "laser head 10", as indicated in the Office Action. Thus, in view of the amendments to the specification, the objection is overcome. Reconsideration and withdrawal thereof are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 6 and 8(6) are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachhofer US '681 (US 6,060,681) in view of Fukahori JP '571 (JP 06-182571). Applicants respectfully traverse. Reconsideration and withdrawal of this rejection is requested based upon the following considerations.

Nonobviousness over the Combination of the Cited References

It is alleged in the Office Action that an apparatus designed as an integral unit is not claimed (see *e.g.*, pages 5 to 6 of the Office Action). In this regard, claim 6 has been amended to further clarify the present invention. In view of the amendment to claim 6, the present invention is further defined over the cited references since that the claimed integral moving unit is not disclosed or suggested in Bachhofer US '681 and Fukahori JP '571.

Further, the present invention relates to an apparatus for sealing members made of plastic-coated paper or board. On the other hand, Bachhofer US '681 and Fukahori JP '571 relate to the apparatus for welding metal sheets. Thus, the cited references are nonanalogous art to the present invention. Likewise, one skilled in the art is not motivated by the cited references to arrive at the present invention. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Therefore, a *prima facie* case of obviousness is not established based on the combination of the cited references, since the cited references fail to disclose or suggest each of the instantly claimed features, as explained above. Likewise, there is no rationale and/or reasonable expectation of success based on the combination of the cited references, by which one skilled in

the art could arrive at the present invention as claimed. Thus, it is submitted that the present invention is not obvious over Bachhofer US '681 in view of Fukahori JP '571.

Allowable Subject Matter

Claim 7 and 8 (7) would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication of allowable subject matter in this application. As explained above, since claim 6 should be allowable, the dependent claims thereof should also be allowable.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Registration No. L0053, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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